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December 6, 2017

Honorable Andrew J. Peck
Daniel Patrick Moynihan
United States Court House
500 Pearl St.
New York, NY 10007-1312

Re: *BSGR v. Soros, et al., Civil Action No. 1:17-cv-02726 (JFK) (AJP)*

Dear Judge Peck:

We write pursuant to Your Honor's December 1, 2017 order concerning the stay of discovery and its effect on Letters Rogatory. In principle, we fully agree with Your Honor's view that the delay inherent in the Letters Rogatory process warrants allowing discovery to proceed notwithstanding a stay on other discovery. We believe that Your Honor's approach is consistent with other cases facing similar issues. *See, e.g., Spread Spectrum Screening LLC v. Eastman Kodak Co.*, 277 F.R.D. 84, 85 (W.D.N.Y. 2011) ("because the process of securing the letters rogatory can be lengthy, [Plaintiff] should be permitted to apply for the issuance of the letters rogatory during the pendency of the stay").

At the same time, we are concerned that freezing in time the process of seeking international discovery would create a terribly lopsided process that would prejudice plaintiffs here. To take a couple of examples, the parties were in the process of trying to work through a fair method of getting discovery from Vale in Brazil. That process was not completed when the Court's stay order was issued. As another example, when the stay order issued, plaintiffs had submitted drafts of letters rogatory to counsel for defendants, pursuant to Your Honor's suggestion of cooperation. We were mid-process, and as a result the letters had not been submitted to Your Honor for approval.

We request that Your Honor build on the sensible approach identified by Your Honor in the December 1 order and direct that the parties, within 10-14 days, present an agreed list of the third party discovery that should proceed, with any disagreements then quickly able to be resolved by Your Honor.

Respectfully,

A handwritten signature in blue ink, appearing to read "Louis M. Solomon".

Louis M. Solomon
cc: all Counsel of Record (via ECF)

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